

**PATENT**  
**Attorney Docket No. 010211**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Group Art Unit No.: 2661 : PCR METHOD  
In re application of: Godfrey *et al.* :  
Serial No.: 10/090,326 :  
Filing Date: March 4, 2002 :

#8/a  
Plunkett  
8/15/03

**PRELIMINARY AMENDMENT**

Pittsburgh, Pennsylvania 15222  
April 8, 2003

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced patent application,  
Applicants submit the following amendments.

Claims 1-77 are pending.

Cancel claims 54-58, 68-76.

Add new claims 78-104, as follows:

- a'
- 78. An intraoperative PCR diagnostic method comprising the steps of:
- (a) obtaining a tissue sample from a patient in an operation; and
  - (b) determining by a PCR method performed during the operation if expression of an indicator transcript exceeds a threshold level.

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Date • June 25, 2003

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**RUSH**

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From • Jesse A. Hirshman  
Secretary • Susan McGrath

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Phone • 412.355.6270

**COMMENTS:** U.S. Patent Application No.: 10/090,326

Our File: 010211

Dear Examiner Wilder,

Further to our conversation earlier today, I attach a copy of the Preliminary Amendment submitted to the United States Patent and Trademark Office on April 8, 2003. Please note that this is a **copy** of our earlier submission, and not the original submission. Please call me at your earliest convenience to discuss the status of the outstanding restriction in this application.

Very truly yours,  
Jesse A. Hirshman

When you are sending to us, please be sure to include a cover sheet with your transmittal and a telephone number where you can be contacted in case of equipment malfunction.

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